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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

ROBERT "BOB" BURNS - Chairman
BOYD DUNN
SANDRA D. KENNEDY
JUSTIN OLSON
LEA MÁRQUEZ PETERSON

Arizona Corporation Commission

DOCKETED

JUN 13 2019

DOCKETED BY

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In the matter of

DAVID PAUL SMOOT and MARIE
KATHLEEN SMOOT (a.k.a. "KATHY
SMOOT"), husband and wife,

NATIVE AMERICAN WATER, L.L.C.
(d.b.a. "NATAWA"), an Arizona limited
liability company,

NATAWA CORPORATION (d.b.a.
"NATAWA"), a Delaware corporation with
a revoked authorization to conduct business
in Arizona as a foreign corporation,

AMERICAN INDIAN TECHNOLOGIES
INTERNATIONAL, L.L.C. (a.k.a. "AITI"),
an Arizona limited liability company,

Respondents.

DOCKET NO. S-20814A-11-0313

DECISION NO. 77255

**ORDER TO CEASE AND DESIST, ORDER
FOR RESTITUTION, ORDER FOR
ADMINISTRATIVE PENALTIES AND
CONSENT TO SAME**

BY: ALL RESPONDENTS

Respondents ("Respondents") elect to permanently waive any right to a hearing and appeal under Articles 11 and 12 of the Securities Act of Arizona, A.R.S. § 44-1801 *et seq.* ("Securities Act") with respect to this Order To Cease And Desist, Order for Restitution, Order for Administrative Penalties, and Consent to Same ("Order"). Respondents admit the jurisdiction of the Arizona Corporation Commission ("Commission"); neither admit nor deny the Findings of Fact and Conclusions of Law contained in this Order; and consent to the entry of this Order by the Commission.

I.**FINDINGS OF FACT**

1. At all relevant times, i.e. from 2003 through 2011, Smoot was a married man acting for his own benefit and for the benefit or in furtherance of his marital community, and an Arizona resident. Smoot has not been registered by the Commission as a securities salesman or dealer.

2. Native American Water, L.L.C. ("Natawa") is a manager-managed Arizona limited liability company formed on January 17, 2003. At all relevant times, Natawa maintained its principal place of business in Arizona. At all relevant times, Smoot was Natawa's manager. Natawa has not been registered by the Commission as a securities dealer.

3. Natawa Corporation ("Natawa-Corp") was incorporated by Smoot as a Delaware corporation on or about August 24, 2005. At all relevant times, Natawa-Corp maintained its principal place of business in Arizona. On June 8, 2006, the Corporations Division of the Commission granted Natawa-Corp's application for authority to transact business in Arizona as a foreign corporation. Due to Natawa-Corp's failure to file its 2007 annual report, Natawa-Corp's status as a foreign corporation was revoked by the Corporations Division on or about March 28, 2008. Natawa-Corp was reinstated as a foreign corporation authorized to conduct business in Arizona by the Corporations Division on or about April 16, 2008. Due to Natawa-Corp's failure to file its 2010 Annual Report, Natawa-Corp's status as a foreign corporation was revoked by the Corporations Division on or about June 7, 2011. Natawa-Corp has not been registered by the Commission as a securities dealer.

4. In February 2016, Natawa-Corp appointed Smoot and two other persons to its board of directors. As shown in board meeting minutes, the board of directors discussed and approved company operations and policies, including Smoot's compensation, the retention of counsel, accountants, and a marketing agency.

5. American Indian Technologies International, L.L.C. ("AITI") is a manager-managed Arizona limited liability company organized February 10, 2004, with Smoot as its only listed manager,

1 member, and statutory agent. At all relevant times, AITI maintained its principal place of business in
2 Arizona. AITI has not been registered by the Commission as a securities dealer.

3 6. Natawa, Natawa-Corp and AITI may be collectively referred to as the “Companies” or
4 individually as a “Company.”

5 7. Smoot and the Companies may be collectively referred to as “Respondents” or
6 individually as a “Respondent.”

7 7. Marie Kathleen Smoot (“Respondent Spouse”) was at all relevant times Smoot’s
8 spouse. Respondent Spouse is joined in this action under A.R.S. § 44-2031(C) solely for purposes of
9 determining the liability of the marital community. The Securities Division of the Commission does not
10 allege that Respondent Spouse was involved in the respondent entities’ businesses or activities.

11 **Respondents’ Business Model**

12 8. Respondents’ business model consisted of Respondents being primarily engaged in
13 the business of financing, developing, building and operating water, waste water, and fiber optic
14 utilities (“Utility(ies)”) for residential and commercial real estate developers of land where there is
15 no existing infrastructure and outside of areas managed by a municipality (the “Business”).

16 9. As explained on the homepage of Respondents’ website at www.natawa.com, (the
17 “Website”):

18 Through industry-leading partnerships, Natawa finances, constructs, owns, and manages
19 advanced water, wastewater, and fiber optic utilities – making them revenue-generating assets
20 for developers, cost effective benefits for municipalities, and valuable services for residents.

21 10. AITI is a disadvantaged minority technology company with its main focus on
22 providing renewable energy sources to specific targeted markets. AITI conducts business both on
23 and off Native American Reservations through private and tribal partnerships as well as contracting
24 with federal agencies ion specific projects.

1 **The Investments**

2 11. Respondents funded their business operations principally with money from investors
3 by selling debentures, limited liability company membership units, and notes.

4 12. None of these investments were registered with the Commission.

5 13. In total, Respondents issued, offered and sold approximately 87 investments totaling
6 approximately \$6,042,500 to 61 widely-disbursed investors residing throughout Arizona and other
7 states. Some investors have received returns from Respondents totaling approximately \$268,285.
8 These investments include the following:

9 a) From on or about March 1, 2003 to October 11, 2010, Respondents sold
10 debentures, stock, notes, and membership units, issued by Natawa and Natawa-Corp to 55 investors
11 in 75 transactions, for total investments of \$4,409,500.

12 b) From approximately September 18, 2008, to April 23, 2010, Smoot and AITI
13 issued, offered and sold AITI debentures, notes and units (*i.e.*, AITI LLC membership interests) in
14 12 transactions totaling \$1,633,000 to six investors residing in Arizona and Illinois.

15 14. While some of the investors were Smoot's friends or family, including many of the
16 AITI investors, several of the investors had no pre-existing relationship with Respondents. In at least
17 one instance, a broker received a commission for bringing in an investor.

18 **Representations Made to Investors**

19 15. Respondents represented to investors both verbally and in writing that Respondents'
20 ability to repay investors their principal investments and promised profits was interwoven with and
21 primarily dependent on Respondents' ability through its partnerships with technology and
22 engineering companies to profitably develop, finance, construct and operate the Utilities, and AITI's
23 alternative energy and military contracting businesses.

24 16. Respondents further represented to offerees and investors that the Companies could
25 soon become extremely profitable and, as a result, the investments would provide investors with
26 outstanding returns in the form of equity, dividends, or cash-profit-sharing.

1 17. Based on representations and documentation by Respondents, several persons
2 believed that Respondents along with their technology and engineering partners had experience or
3 were currently building and operating utilities.

4 18. Respondents gave documents to at least two persons, prior to those persons investing,
5 that describe Natawa's and its technology and engineering partners' operations as being actual and
6 currently occurring: "Natawa finances, designs, constructs, owns, and operates water, wastewater,
7 and fiber optic utilities for new developments."

8 19. Respondents frequently used the present tense to describe their team's operations to
9 investors and potential investors. For example, Respondents' website included an "Established
10 Projects" page indicating and/or advertising that Respondents and their partners had in fact installed
11 Utilities for large residential developments encompassing 40,000 total homes.

12 20. A November 1, 2005 document titled "Natawa Investment Opportunity" describes
13 Natawa's operations in the present tense, stating that: Natawa through its teaming with technology
14 partners "designs, constructs, owns, and operates water, waste water and fiber optic utilities (phone,
15 internet and cable television over one "wire") for new developments in the Southwest. Natawa
16 partners with developers and shares the profits the utilities earn with our partner developers."

17 21. Respondents also represented to investors and offerees that the Companies had
18 tremendous value because of several executed contracts and additional contracts anticipated to soon
19 be signed with developers.

20 22. For example, in a sixty-seven-page prospectus with attachments titled "Natawa
21 Investment Opportunity" dated December 1, 2005, prepared and distributed by Smoot to investors
22 explained that:

23 NATAWA has obtained five contracts to build either water, wastewater and/or fiber utility
24 services for a total build-out commitment of approximately 50,000 homes in Arizona and
25 California. These contracts represent significant revenues and free cash flow for NATAWA
26 and its [real estate development] partners...NATAWA will have a lower volatility in earning

1 and revenue performance, as once we have signed a [development] contract with a developer,
2 NATAWA is the exclusive utility provider for the selected developments...NATAWA
3 expects to close a significant portion of these transactions in the third and fourth quarter of
4 2005. NATAWA will also be funding a minimum of one transaction in early first quarter
5 2006 for our project in Casa Grande, AZ. This project will provide NATAWA with General
6 Contracting fees of \$460,000 upon funding.

7 23. From 2004 through early 2008, Natawa signed over a dozen agreements titled "Master
8 Development Agreement" with developers pursuant to which Natawa was responsible for the design,
9 finance, and construction of Utilities for the developers' residential development.

10 24. These agreements were subject to numerous contingencies such as, without limitation:
11 (a) the outcome of further project feasibility and environmental impact studies, and extensive
12 government entitlement and permitting processes; (b) actual procurement of third-party financing
13 funds; and (c) the creation of additional entities and agreements that would govern the proposed
14 development.

15 25. The agreements did not provide for liquidated damages in the event of breach or non-
16 performance, although there were other default-cure provisions in the agreements. In some of the
17 agreements a party simply not performing its obligations is an act of default which terminates the
18 agreement. In others, not performing obligations after given a certain time to correct the conditions
19 results in default and termination. For example, one agreement says that the land owner failing to get
20 all government permits within two years or Natawa not applying for government permits by a certain
21 time terminates the agreement.

22 26. Although they frequently described their operations in the present tense and also
23 described imminent revenue and profitability through their partners, Respondents have not at any
24 time actually received funding for, constructed, or operated any Utilities and the Companies have not
25 earned revenue or profits.

1 27. Smoot expressly acknowledged that Respondents had not funded any Utilities deals
2 or generated any Utilities Business revenues on at least two occasions. First, in a November 28, 2006
3 email, when discussing the effect his personal expenditures would have on an audit, Smoot wrote to
4 three investors stating, in part, as follows:

5 the issue of Expenses spent by me has...[an investor] scared that we may not pass an
6 Audit...from the Shareholder's perspective, it's always been discussed that I would pay this
7 expense back once we fund a deal and I get a bonus allowing me to do so. [Smoot's purchases
8 of] Cigars, clothes and such are what we're talking about. I have a buyer for some of my stock
9 which will cover these expenses, since we haven't...[obtained any third-party financing] yet.

10 28. Later, in an "Investor Update" prepared and provided by Smoot to investors in 2009
11 that stated, in part:

12 Also, to clarify any confusion as to current planned projects and potential sources of funding,
13 Native American Water, L.L.C. has not yet received any income from its planned
14 projects...The reason the Company still exists and is able to continue working toward project
15 financing today is due to investors continuing to invest in the Company...Each time a new
16 investor has invested (whether a direct investment in equity or converting their debentures
17 into equity), new membership interests have been issued. This has had the effect of diluting
18 prior investors, but it has been necessary to keep the Company operating and moving toward
19 project financing....

20 We are cautiously optimistic that at least one of these three projects will be successful in
21 being funded in the first half of 2009, however this depends on several things we don't
22 control: the developers, the municipalities agreeing to a municipal bond offering and the
23 lender's ability to sell the bonds....

24 For Natawa to continue to survive, we need money for immediate needs until we receive
25 project financing. If, and when, one of the development deals funds, this issue will be moot.
26 We have not had any operational/project income to-date, we have few meaningful assets as

1 the assets we contemplate building will be utilities, and we are in arrears on paying some of
2 our consultants and some ongoing bills....

3 29. Respondents' primary source of revenue from approximately 2003 to 2010 has been
4 investor funds, not the successful development, construction and operation of Utilities.

5 II.

6 CONCLUSIONS OF LAW

7 1. The Commission has jurisdiction over this matter pursuant to Article XV of the
8 Arizona Constitution and the Securities Act.

9 2. Respondents offered or sold securities within or from Arizona, within the meaning of
10 A.R.S. §§ 44-1801(16), 44-1801(22), and 44-1801(27).

11 3. Respondents violated A.R.S. § 44-1841 by offering or selling securities that were
12 neither registered nor exempt from registration.

13 4. Respondents violated A.R.S. § 44-1842 by offering or selling securities while neither
14 registered as a dealer or salesman nor exempt from registration.

15 5. Respondents violated A.R.S. § 44-1991.

16 6. Respondents' conduct is grounds for a cease and desist order pursuant to A.R.S. § 44-
17 2032.

18 7. Respondents' conduct is grounds for an order of restitution pursuant to A.R.S. § 44-
19 2032.

20 8. Respondents' conduct is grounds for administrative penalties under A.R.S. § 44-2036.

21 9. Respondent Smoot acted for the benefit of the marital community and, pursuant to
22 A.R.S. §§ 25-214 and 25-215, this order of restitution and administrative penalties is a debt of the
23 community.

24 10. Smoot was a controlling person of Natawa, Natawa-Corp and AITI within the
25 meaning of A.R.S. § 44-1999. Therefore, he is jointly and severally liable under A.R.S. § 44-1999 to
26 the same extent as these entities for their violations of A.R.S. § 44-1991.

III.**ORDER**

THEREFORE, on the basis of the Findings of Fact, Conclusions of Law, and Respondents' consent to the entry of this Order, attached and incorporated by reference, the Commission finds that the following relief is appropriate, in the public interest, and necessary for the protection of investors:

IT IS ORDERED, pursuant to A.R.S. § 44-2032, that Respondents, and any of Respondents agents, employees, successors and assigns, permanently cease and desist from violating the Securities Act.

IT IS FURTHER ORDERED that Respondents comply with the attached Consent to Entry of Order.

IT IS FURTHER ORDERED, pursuant to A.R.S. § 44-2032, that Respondents shall jointly and severally, and as a result of the conduct set forth in the Findings of Fact and Conclusions of Law, pay restitution to the Commission as follows:

- (i) Respondents Natawa, Natawa-Corp and AITI shall pay restitution in the principal amount of \$5,774,215 (i.e. the \$6,042,500 of investments minus \$268,285 of payments to investors). Payment is due in full on the date of this Order.
- (ii) Respondent Smoot, as a controlling person of Respondent entities, and his marital community shall pay restitution in the principal amount of \$700,000. This restitution obligation shall be made in three payments: a payment of \$25,000 due within 90 days of the date of this Order, a second payment of \$75,000 due within 150 days of the date of this Order, and a final payment of \$600,000 due within one year of the date of this Order.

The payments described in this paragraph shall be made to the "State of Arizona" to be placed in an interest-bearing account controlled by the Commission.

IT IS FURTHER ORDERED that any outstanding restitution payments ordered in the preceding paragraph will accrue interest as of the date the respective payment is due at the rate of the

1 lesser of (i) ten percent per annum or (ii) at a rate per annum that is equal to one per cent plus the
2 prime rate as published by the board of governors of the federal reserve system in statistical release
3 H. 15 or any publication that may supersede it on the date that the judgment is entered.

4 The Commission shall disburse the funds on a pro-rata basis to investors shown on the records
5 of the Commission. Any restitution funds that the Commission cannot disburse because an investor
6 refuses to accept such payment, or any restitution funds that cannot be disbursed to an investor
7 because the investor is deceased shall be disbursed on a pro-rata basis to the remaining investors
8 shown on the records of the Commission. Any funds that the Commission determines it is unable to
9 or cannot feasibly disburse shall be transferred to the general fund of the state of Arizona.

10 IT IS FURTHER ORDERED, pursuant to A.R.S. § 44-2036, that Respondents shall pay an
11 administrative penalty as a result of the conduct set forth in the Findings of Fact and Conclusions of
12 Law as follows:

13 (i) Respondents Natawa, Natawa-Corp and AITI shall jointly and severally pay an
14 administrative penalty of \$100,000. Payment is due in full on the date of this Order.

15 (ii) Respondent Smoot and his marital community shall pay an administrative penalty of
16 \$25,000. Payment is due within one year of the date of this Order.

17 Payment shall be made to the "State of Arizona." Any amount outstanding shall accrue interest as
18 allowed by law.

19 IT IS FURTHER ORDERED that payments received by the state of Arizona shall first be
20 applied to the restitution obligation. Upon payment in full of the restitution obligation, payments
21 shall be applied to the penalty obligation.

22 For purposes of this Order, a bankruptcy filing by any Respondent is an act of default. If any
23 Respondent does not comply with this Order, any outstanding balance may be deemed in default and
24 is immediately due and payable.

25 IT IS FURTHER ORDERED that each party shall bear its own attorney's fees and costs.
26

1 IT IS FURTHER ORDERED that if Respondents fail to comply with this order, the
2 Commission may bring further legal proceedings against Respondents, including application to the
3 superior court for an order of contempt.

4 IT IS FURTHER ORDERED that no finding of fact or conclusion of law contained in this
5 Order shall be deemed binding against any Respondent under this Docket Number who has not
6 consented to the entry of this Order.

7 IT IS FURTHER ORDERED that this Order shall become effective immediately.
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BY ORDER OF THE ARIZONA CORPORATION COMMISSION

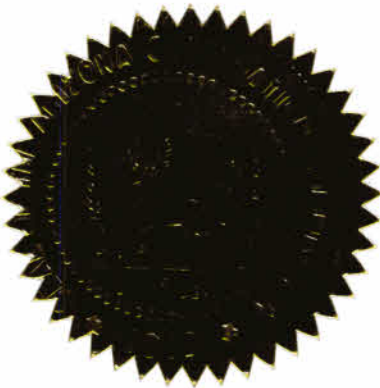
CHAIRMAN BURNS

COMMISSIONER DUNN

COMMISSIONER KENNEDY

COMMISSIONER OLSON

COMMISSIONER MÁRQUEZ PETERSON



IN WITNESS WHEREOF, I, MATTHEW J. NEUBERT,
Executive Director of the Arizona Corporation Commission,
have hereunto set my hand and caused the official seal of the
Commission to be affixed at the Capitol, in the City of Phoenix,
this 13 day of June, 2019.

MATTHEW J. NEUBERT
EXECUTIVE DIRECTOR

DISSENT

DISSENT

This document is available in alternative formats by contacting Kacie Cannon, ADA Coordinator,
voice phone number (602) 542-3931, e-mail kcannon@azcc.gov.

(RJM)

CONSENT TO ENTRY OF ORDER

1
2 1. Respondents Natawa, Natawa-Corp, AITI, Smoot and Respondent Spouse
3 (collectively, "Respondents") admit the jurisdiction of the Commission over the subject matter of
4 this proceeding. Respondents acknowledge that they have been fully advised of their right to a
5 hearing to present evidence and call witnesses and they knowingly and voluntarily waive any and all
6 rights to a hearing before the Commission and all other rights otherwise available under Article 11
7 of the Securities Act and Title 14 of the Arizona Administrative Code. Respondents acknowledge
8 that this Order constitutes a valid final order of the Commission.

9 2. Respondents knowingly and voluntarily waive any right under Article 12 of the
10 Securities Act to judicial review by any court by way of suit, appeal, or extraordinary relief resulting
11 from the entry of this Order.

12 3. Respondents acknowledge and agree that this Order is entered into freely and
13 voluntarily and that no promise was made or coercion used to induce such entry.

14 4. Respondents acknowledge that they have been represented by an attorney in this
15 matter and they have reviewed this Order with their attorney, **Michael Kimerer**, and understand all
16 terms it contains.

17 5. Respondents acknowledge and agree that they shall bear their own attorney's fees and
18 costs.

19 6. Respondents neither admit nor deny the Findings of Fact and Conclusions of Law
20 contained in this Order; they agree that they shall not contest the validity of the Findings of Fact and
21 Conclusions of Law contained in this Order in any present or future proceeding in which the
22 Commission is a party.

23 7. Respondents further agree that in any present or future bankruptcy proceeding where
24 a Respondent is seeking bankruptcy protection ("Proceeding(s)"), they shall not deny or contest the
25 Findings of Fact and Conclusions of Law contained in this Order. They further agree that in any
26 Proceedings the Findings of Fact and Conclusions of Law contained in this Order may be taken as

1 true and correct and that this Order shall collaterally estop them from re-litigating with the
2 Commission or any other state agency, the accuracy of the Findings of Fact and Conclusions of Law
3 contained in this Order. They further agree that in any Proceedings, pursuant to 11 U.S.C. §
4 523(a)(19), the following circumstances exist:

5 A. The obligations incurred as a result of this Order are a result of the conduct set forth
6 in the Findings of Fact and Conclusions of Law in the Order and are for the violation of Arizona
7 state securities laws, pursuant to 11 U.S.C. § 523(a)(19)(A)(i);

8 B. This Order constitutes a judgment, order, consent order, or decree entered in a state
9 proceeding pursuant to 11 U.S.C. § 523(a)(19)(B)(i), a settlement agreement entered into by
10 Respondents pursuant to 11 U.S.C. § 523(a)(19)(B)(ii), and a court order for damages, fine, penalty,
11 citation, restitution payment, disgorgement payment, attorney fee, cost or other payment owed by
12 them pursuant to 11 U.S.C. § 523(a)(19)(B)(iii).

13 8. By consenting to the entry of this Order, Respondents agree not to take any action or
14 to make, or permit to be made, any public statement denying, directly or indirectly, any Finding of
15 Fact or Conclusion of Law in this Order or creating the impression that this Order is without factual
16 basis.

17 9. While this Order settles this administrative matter between Respondents, Respondents
18 understand that this Order does not preclude the Commission from instituting other administrative or
19 civil proceedings based on violations that are not addressed by this Order.

20 10. Respondents understand that this Order does not limit the Commission's authority
21 under A.R.S. § 44-2032(5) or preclude the Securities Division of the Commission from referring this
22 matter to any governmental agency for administrative or civil proceedings that may be related to the
23 matters addressed by this Order.

24 11. Respondents understand that this Order does not preclude any other agency or officer
25 of the state of Arizona or its subdivisions from instituting proceedings that may be related to matters
26 addressed by this Order.

1 12. Respondents agree that they will not apply to the state of Arizona for registration as a
2 securities dealer or salesman or for licensure as an investment adviser or investment adviser
3 representative until such time as all restitution and penalties under this Order are paid in full.

4 13. Respondents agree that they will not exercise any control over any entity that offers
5 or sells securities or provides investment advisory services within or from Arizona until such time as
6 all restitution and penalties under this Order are paid in full.

7 14. Respondent Smoot acknowledges that any restitution and penalties imposed on Smoot
8 by this Order are obligations of his marital community.

9 15. Respondents consent to the entry of this Order and agree to be fully bound by its terms
10 and conditions.

11 16. Respondents acknowledge and understand that if they fail to comply with the
12 provisions of the order and this consent, the Commission may bring further legal proceedings against
13 them, including application to the superior court for an order of contempt.

14 17. Respondents understand that default shall render them liable to the Commission for
15 its costs of collection, including reasonable attorneys' fees and interest at the maximum legal rate.

16 18. Respondents agree and understand that if they fail to make any payment as required
17 in the Order, any outstanding balance shall be in default and shall be immediately due and payable
18 without notice or demand. Respondents agree and understand that acceptance of any partial or late
19 payment by the Commission is not a waiver of default by the Commission.

20 19. Respondent Smoot represents that he is the manager of Natawa and AITI and was the
21 CEO and a director of Natawa-Corp. To the extent he has authority to do so, he enters into this Order
22 on behalf of these entities.

Signature Page for Individual Respondents



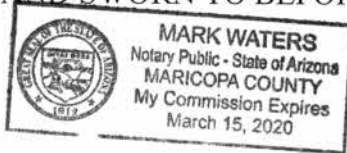
David Paul Smoot

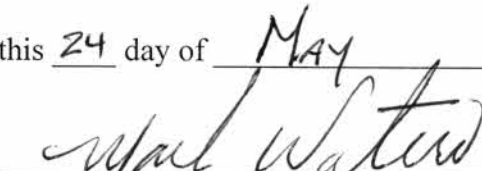


Marie Kathleen Smoot

STATE OF ARIZONA)
) ss
County of MARICOPA)

SUBSCRIBED AND SWORN TO BEFORE me this 24 day of MAY, 2019.



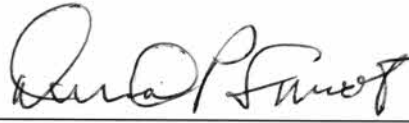

NOTARY PUBLIC

My commission expires:

3.15.2020

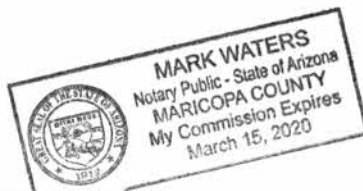
Signature Pages for Natawa, Natawa-Corp and AITI

NATIVE AMERICAN WATER, L.L.C., an
Arizona limited liability company

By: 
Its: Manager

STATE OF ARIZONA)
) ss
County of MARICOPA)

SUBSCRIBED AND SWORN TO BEFORE me this 24 day of May, 2019.




NOTARY PUBLIC

My commission expires:

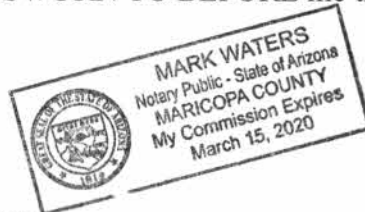
3/15/2020

NATAWA CORPORATION, a Delaware
corporation

By: [Signature]
Its: Manager

STATE OF ARIZONA)
County of MARICOPA) ss

SUBSCRIBED AND SWORN TO BEFORE me this 24 day of May, 2019.



[Signature]
NOTARY PUBLIC

My commission expires:

3/15/2020

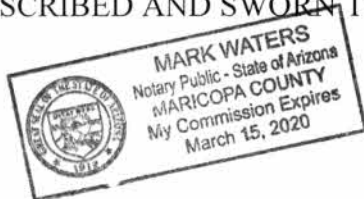
AMERICAN INDIAN TECHNOLOGIES
INTERNATIONAL, L.L.C., an Arizona
limited liability company

By: [Signature]

Its: [Signature]

STATE OF ARIZONA)
County of MARICOPA) ss

SUBSCRIBED AND SWORN TO BEFORE me this 24 day of May, 2019.



[Signature]
NOTARY PUBLIC

My commission expires:

3/15/2020

SERVICE LIST FOR: *In re David Paul Smoot et al.*

Michael Kimerer
KIMERER & DERRICK
1313 E. Osborn Road, Suite 100
Phoenix, AZ 85014
Attorneys for Respondents

1 **BEFORE THE ARIZONA CORPORATION COMMISSION**

2 **COMMISSIONERS**

3 ROBERT "BOB" BURNS - Chairman
4 ANDY TOBIN
5 BOYD DUNN
6 SANDRA D. KENNEDY
7 JUSTIN OLSON

8 In the matter of:

9 DAVID PAUL SMOOT and MARIE
10 KATHLEEN SMOOT (a.k.a. "KATHY
11 SMOOT"), husband and wife,

12 NATIVE AMERICAN WATER, L.L.C. (d.b.a.
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16 "NATAWA"), a Delaware corporation with a
17 revoked authorization to conduct business in
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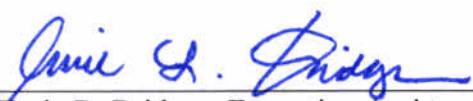
22 Respondents.

DOCKET NO. S-20814A-11-0313

**CERTIFICATION OF SERVICE OF
PROPOSED OPEN MEETING
AGENDA ITEM**

23 On this 28 day of May 2019, the foregoing document was filed with Docket Control as a
24 Securities Division Memorandum & Proposed Order. On this date or as soon as possible thereafter,
25 a copy of the foregoing will be mailed to the second two parties listed, who have not consented to
26 email service.

27 Michael Kimerer
28 KIMERER & DERRICK
29 1313 E. Osborn Road, Suite 100
30 Phoenix, AZ 85014
31 *Attorneys for Respondents*

32 By: 
33 Emie R. Bridges, Executive Assistant